

United States District Court

NORTHERN

DISTRICT OF

CALIFORNIA

FILED

2007 JUL 26 P 2:21

UNITED STATES OF AMERICA

V.

Victor ARIAS-Contreras

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA., S.D.

CRIMINAL COMPLAINT

07 70444

RS

CASE NUMBER:

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On a date unknown but no later than, May 24, 2007, in Monterey in the Northern District of California defendant(s)

Unlawfully re-entered and was found in the United States after deportation, without the permission of the Attorney General

in violation of Title 8 United States Code, Section(s) 1326

I further state that I am a(n) Deportation Officer and that this complaint is based on the following facts:
Official Title

SEE ATTACHED AFFIDAVIT

PENALTIES: \$250,000.00 fine, twenty years imprisonment and \$100.00 special assessment fee and a Term of Supervised Release up to three years.

Requested bail: Issue no bail warrant.

APPROVED AS TO FORM:

ASSISTANT UNITED STATES ATTORNEY

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Sworn to before me and subscribed in my presence,

7/26/07

Date

at

San Jose, California

City and State

Richard Seeborg
UNITED STATES MAGISTRATE JUDGE
Name & Title of Judicial Officer

Signature of Judicial Officer

RE: Victor ARIAS-Contreras

A77 300 736

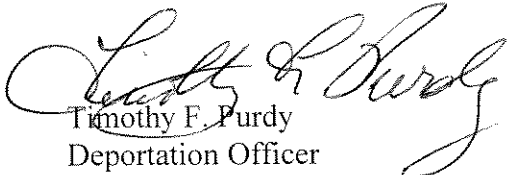
I, Timothy F. Purdy, am a Deportation Officer of the United States Department of Homeland Security, Immigration and Customs Enforcement (ICE). I have been employed by this agency, U.S. Customs & Border Protection and the former Immigration and Naturalization Service (INS), since October 1, 2002. I am currently assigned to the Criminal Alien Program at the San Jose, California Sub-Office. In such capacity, I have reviewed the official immigration "A-File" relating to the above named defendant, which attests to the following:

- (1) The DEFENDANT Victor ARIAS-Contreras, is a 26-year-old male, citizen and native of Mexico, born on February 11, 1981, in Michoacan, Mexico, substantiated by multiple statements made to that effect by the DEFENDANT on February 19, 2004 and again on May 24, 2007, to ICE Immigration Enforcement Agent (IEA) Jesse Cruz of the San Jose, California DRO Sub-Office;
- (2) The DEFENDANT has been assigned Alien Registration number of A77 300 736, FBI number of 115865NB4, and California Criminal State ID Number of 21524084;
- (3) On May 26, 2000, the DEFENDANT was convicted in the Superior Court of California/County of Orange, for the offense of: POSSESSION/PURCHASE FOR SALE A CONTROLLED SUBSTANCE/Cocaine & Heroin, a felony, in violation of California Health and Safety Code Section 11351, and was sentenced to 360 days in state prison. This offense is defined as an aggravated felony under Title 8, United States Code, Section 1101(a)(43)(D);
- (4) On December 13, 2000, the DEFENDANT was determined to be unlawfully present in the United States by the U.S. INS District Director Los Angeles, CA and ordered deported from the United States to Mexico;
- (5) On July 22, 2002, the DEFENDANT was convicted in the Superior Court of California/County of Orange, for the offense of: SALE AND TRANSPORT OF A CONTROLLED SUBSTANCE/Tar Heroin, a felony, in violation of California Health and Safety Code Section 11352(A), and was sentenced to 3 Years in state prison. This offense is defined as an aggravated felony under Title 8, United States Code, Section 1101(a)(43)(D);
- (6) On February 19, 2004, the DEFENDANT was determined to be unlawfully present in the United States by the U.S. Immigration Court Los Angeles, CA and ordered deported from the United States to Mexico;

RE: Victor ARIAS-Contreras

A77 300 736

- (7) On June 29, 2006, the DEFENDANT was convicted in the Superior Court of California/County of Orange, for the offense of: THE POSSESSION AND SALE OF A CONTROLLED SUBSTANCE/Heroin, a felony, in violation of California Health and Safety Code Sections 11351/11352(A), and was sentenced to 7 Years in state prison. This offense is defined as an aggravated felony under Title 8, United States Code, Section 1101(a)(43)(D);
- (8) On, May 24, 2007, the DEFENDANT was encountered by IEA Jesse Cruz, at the California Training Facility-Soledad, and determined to be unlawfully present in the United States after a prior deportation at which point IEA Cruz advised the Defendant his Miranda rights in the English language. The DEFENDANT waived his Miranda rights and provided a written sworn statement attesting to his alienage, prior deportation, and failure to obtain permission from the Secretary of the Department of Homeland Security or the United States Attorney General to reenter the United States;
- (9) The DEFENDANTS official A-File does not contain any record or indication that he either requested or received permission from the Secretary of the Department of Homeland Security or the Attorney General of the United States to reenter the United States;
- (10) Based on the above stated information, this Officer believes there is sufficient probable cause that the DEFENDANT is present within the United States in violation of Title 8, United States Code, Section 1326.


Timothy F. Purdy
Deportation Officer
Immigration and Customs Enforcement

Subscribed and sworn to before me this 26th day of July, 2007


Richard Seeborg
UNITED STATES MAGISTRATE JUDGE